

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

WAYNE TUT,)
)
Plaintiff,)
)
)
vs.) **CASE NO. 3:09-1018**
) **JUDGE TRAUGER/KNOWLES**
)
) **JURY DEMAND**
)
)
BRIAN CROWDER and KEITH BEAN,)
)
Defendants.)

REPORT AND RECOMMENDATION

This matter is before the Court upon Defendants' "Renewed Motion to Dismiss." Docket No. 45. Plaintiff has not filed a Response to the Motion.

The undersigned previously entered an Order requiring Plaintiff to respond to Defendants' Interrogatories and Requests for Production of Documents, which were served in March, 2010, on or before November 19, 2010. Docket No. 41. That Order stated in relevant part as follows:

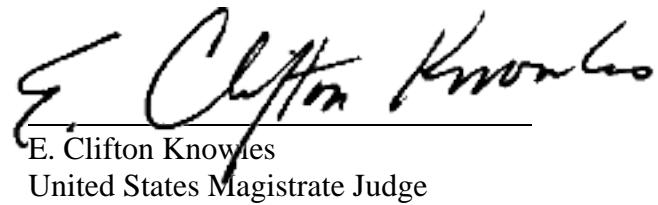
Because Plaintiff is a pro se prisoner, the Court will allow him one final chance to respond to Defendants' discovery. Plaintiff shall respond to Defendants' Interrogatories and Requests for Production of Documents on or before November 19, 2010. If Plaintiff fails to do so, the undersigned will recommend that this action be dismissed with prejudice.

Docket No. 41, p. 2.

The instant Motion states that, as of the date of the filing of the Motion (November 23, 2010), Defendants had not received answers to the outstanding discovery.

For the foregoing reasons, the undersigned recommends that Defendants' "Renewed Motion to Dismiss" be GRANTED, and that this action be DISMISSED WITH PREJUDICE.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.



E. Clifton Knowles
E. Clifton Knowles
United States Magistrate Judge